

Notice of Allowability

Application No.

10/042,415

Examiner

Romain Jeanty

Applicant(s)

CALDERARO ET AL.

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/5/06.
2. ☒ The allowed claim(s) is/are 1,3,4,6-8,10,12-14,16,17 and 19-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

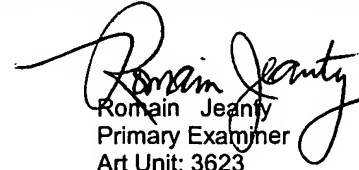
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Romain Jeanty
Primary Examiner
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Allowable Subject Matter

1. Claims 1, 3-4, 6-8, 10, 12-14, 16-17, 19-23 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The closest prior art is to Band et al (Strategic Downsizing, 1995), and Haq (U.S. patent No. 6,275,812). Band et al teach downsizing is the systematic reduction of a workforce through an intentionally instituted set of activities by which organizations aim to improve efficiency and performance. As a result, the firms' costs, processes and workforce are affected. It is understood that downsizing efforts are undertaken for the improvement of the organization. Haq discloses a specific job function specialty, and assigning weights to each skill in a specialty. The weights indicate the relevant importance of each skill in performing all the job functions associated with a specialty in a technology. However, the combination of Band et al and Haq fails to disclose comparing the chosen surplus employee data records with non-surplus employee data records, wherein both the chosen surplus employee data records and non-surplus employee data records have a common skill group, identifying one or more of the surplus employee data records as non-surplus employee data records based on the comparison; and changing the identified surplus employee data records to non-surplus employee data records based on the identification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lindia et al (US 2002/0184085) disclose a fully automated employee review system.

b. Mactas et al (US 2002/0143496) disclose an economic value assigned to an individual's contribution.

c. Magrino et al (US 2002/0198766) disclose human capital management system.

d. Desanti et al (US 2003/0120537) disclose enhancing the performance of marginal employees.

e. Ibarra (USPN 6,119,097) discloses enabling a supervisor to quantify job performance characteristics.

f. Lacy et al (USPN 6,524,109) disclose an improved skill set assessment system.

g. Dewitt (The Structural Consequences of Downsizing) discloses the process of downsizing which uses a combination of activities that either retrench or reorient the structural- and domain- directed activities of the organization to enhance organization performance.

h. Davidson (Early Retirement Programs and Firm Performance) discloses the concept of workforce reduction.

i. Steven et al (Strategic downsizing: Critical success factors) discloses the concept of downsizing in an attempt to cut costs.

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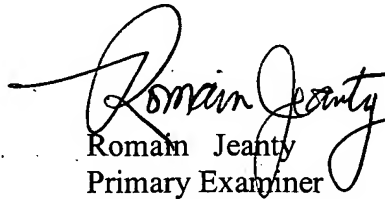
j. Walker et al (WO9526535A2) disclose the method for optimizing a plurality of resources to perform a job.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 26, 2006


Romain Jeanty
Primary Examiner
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